

### REMARKS

Claims 1-5 are pending in the application. Claims 1-5 are rejected.

Claim 1 has been amended to clarify the claimed invention. The amendment is based on the description on page 8, lines 22 to page 9, line 4 (Fig. 3), page 9, lines 5-10 (Fig. 3) and page 15, line 1 to page 16, line 7 of applicant's specification. No new matter is entered.

Applicant's claim 1 includes the luminance control unit which makes an initial setting of a shutter speed of said camera which is set to the slowest possible value in order to utilize external illumination, and the initial setting of a duration of illumination of said illumination unit which is set to the shortest time which can provide a sufficient amount of light for image processing, when a predetermined time elapses since said amount of light becomes appropriate for suppressing disturbances in said image.

Claims 1-5 are now rejected under 35 U.S.C. § 103(a) as unpatentable over Sugimoto (previously cited) in view of Tsuji et al. (U.S. 5,223,935).

In the Office Action its asserted that Sugimoto does not describe the total of luminance value of all pixels in a field is examined to determine whether the total luminance value is greater than a predetermined threshold. The new reference, Tsuji, column 10, lines 4-11 is pointed to for describing the data TO as a luminance addition from each pixel of a designated photo-metric area. Column 9, lines 31-34, are argued as describing the determination of whether the value TO is larger or smaller than reference points.

Sugimoto describes determining whether the flash lamp 38 is needed, for example in col.

9, lines 58 through col. 10, line 37. In addition Sugimoto describe a preliminary light emission and major light-emission in col. 10, line 64 through col. 11, line 42.

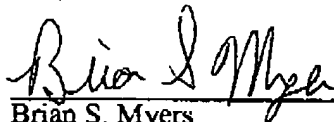
However neither reference describes the features of applicant's claim 1 including the luminance control unit as recited in the claim.

Because the combination of Sugimoto and Tsuji fail to teach or suggest all the features of the claimed invention it is respectfully requested the rejection be withdrawn.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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